

**RECEIVED  
CENTRAL FAX CENTER****FEB 28 2005****PATENTS****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. Patent Application Serial No. 09/706,322	
For: PREDICTING SUSCEPTIBILITY TO NEUROLOGICAL DYSFUNCTION BASED ON MEASURED NEURAL ELECTROPHYSIOLOGY	Examiner: S.M. Getzow
By: Benjamin D. Pless et al.	Art Unit: 3762
Filed: November 3, 2000	
Attorney Docket No. N11-00	

**AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully submit this Amendment in response to the Office Action mailed on August 13, 2003, rejecting pending claims 1, 7-12, 16, and 25-30, and objecting to claims 2-4 and 17-24. A three-month extension of time is respectfully requested.

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via facsimile on this <u>28<sup>th</sup></u> day of <u>February</u> , 2005.	
<u>3700</u> Technology Center	<u>703-872-9306</u> Facsimile Number
<u>[Signature]</u> Signature	<u>Clarke A. Wixon</u> Name

### INTRODUCTORY COMMENTS

Claims 1-4, 7-12, and 16-30 are now pending in this Application. Claims 1, 7-12, 16, and 25-30 stand rejected as unpatentable over John, U.S. Patent No. 6,066,163.

Claims 2-4 and 17-24 have been indicated to be allowable if rewritten in independent form.

This second Amendment submitted by Applicants cancels claims 1, 3, 16, and 21-24 and amends claims 2, 7, 9, 11-12, 17, and 25-27. Claims 2, 4, 7-12, 17-20, and 25-30 remain pending.

Applicants request a three-month extension of time in which to file this paper; authorization to charge the NeuroPace deposit account the required fee for the extension is enclosed.

Applicants submit that the present Amendment and accompanying papers place this Application in allowable condition; accordingly, Applicants respectfully request reconsideration of pending claims 2, 4, 7-12, 17-20, and 25-30 with a view toward allowance.